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January 15, 1973

Mr. Dallin W. Jensen
Assistant Attorney General
442 State Capitol
Salt Lake City, Utah 84114

Dear Mr. Jensen:

Confirming our telephone conversation of January 11, 1973 and in reply to your letter of January 12, 1973, I concur in your request to Judge Harding regarding the continuance for the filing of Briefs in the matter of the Duchesne River General Adjudication of Water Rights.

I call to your attention that the hearing fixed for March 6th at 10:00 A.M. in the Governor's Boardroom at the State Capitol for the purpose of making provision for the distribution of water for the 1973 irrigation season should meet the water duty problem squarely. It is my opinion that the Ute Indian Tribe will insist upon the four acre feet of water as provided in the deferral agreement. I believe it is to the interest of all concerned that there be no evidence of any equivocation by the parties to the deferral agreement.

I understand that Governor Rampton is willing to talk with the parties in the hope of avoiding litigation in this matter. The Ute Indian Tribe will be happy to cooperate as we believe this is a proper course to pursue.

Since some inquiry has been made by the Tribe, concerning the effect of the State Water Right Adjudication, concerning Utah Lake and the Jordan River, I wonder if it would be possible to make a statement to be incorporated in the Court Order which would clearly eliminate any implication of an attempt to judicate the Indian water rights. I know the Tribe has not been served or made a party to the action and I also understand that the United States has never been made a party. Nevertheless, it appears expedient to clarify the situation as suggested unless, of course, you see some difficulty that might be encountered because of the inclusion of such a statement in the Court's Decree. Your comments in this regard would be appreciated.

Yours very truly,

BOYDEN & KENNEDY


John S. Boyden, Sr.

JSB:vg

cc: Thomas O. Parker
Supt. Wm. Streitz
Chairman Francis Wyasket
R. O. Curry